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October 19, 2018

The Honorable Judge Denise L. Cote
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

***Re: 1:18-cv-06582-DLC Plaintiff's First Letter Motion for Extension of Time within
Which to Effectuate Service on John Doe Defendant***

Dear Judge Cote:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 74.66.244.146 ("Defendant") on July 22, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On August 15, 2018, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Charter Communication, Inc., to obtain the Defendant's identifying information

[CM/ECF 8]. Plaintiff issued the subpoena on August 17, 2018 and received the ISP's response on or about October 4, 2018.

3. Upon receipt of the subscriber's identifying information, Plaintiff began its investigation to determine that the subscriber was indeed the infringer. Plaintiff is currently still conducting its investigation of the subscriber and requires additional time to prepare its Amended Complaint to name the Defendant.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on to Defendant on October 20, 2018.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until at least forty-five (45) days, or until December 4, 2018. The additional time will allow Plaintiff to complete its investigation, amend the complaint and effectuate service.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until December 4, 2018. A proposed order is attached for the Court's convenience.

Dated: October 19, 2018

Respectfully submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway